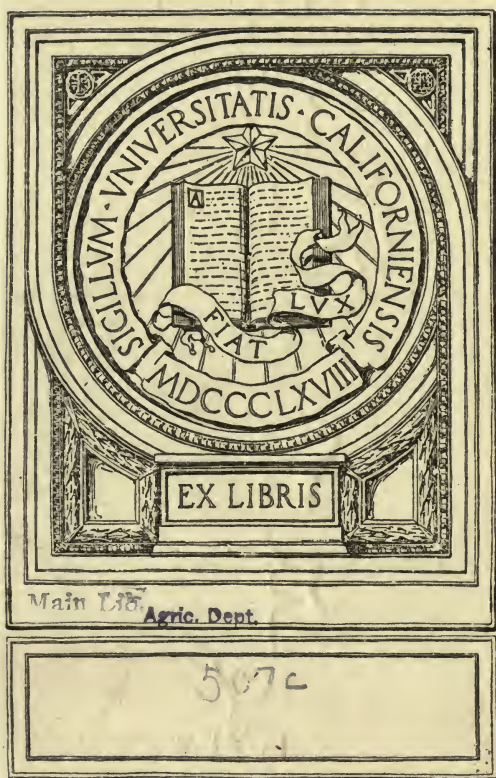



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STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE

RAYMOND A. PEARSON, Commissioner

Bulletin No. 19

SECTIONS OF
The Agricultural Law
OF THE
STATE OF NEW YORK
As Amended by the Laws of 1910

ALBANY
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1910

LIST SHOWING ARTICLES AND SECTIONS OF THE AGRICULTURAL LAW, CHAPTER 1 OF THE CONSOLIDATED LAWS, WHICH WERE AMENDED BY THE LAWS OF 1910

ARTICLE.	Section.	Act amending	In effect.
		1910	1910
II.....	4.....	Chapter 112.....	April 20
	12 (new).....	Chapter 434.....	June 8
III.....	30.....	Chapter 341.....	May 21
	31.....	Chapter 216.....	May 5
	48.....	Chapter 207.....	May 5
IV.....	73.....	Chapter 156.....	April 23
V.....	96.....	Chapter 437.....	June 8
	99.....	Chapter 670.....	June 25
	106.....	Chapter 561.....	June 21
VII.....	160.....	Chapter 436.....	June 8
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	224.....	Chapter 435.....	June 8
XIII.....	291.....	Chapter 366.....	May 26
	293.....	Chapter 366.....	May 26

SUBJECTS OF SECTIONS OF THE AGRICULTURAL LAW AMENDED BY THE LAWS OF 1910

Article 2, section 4.....	Expert butter and cheese makers.
Article 2, section 12.....	Examination of foods in State institutions.
Article 3, section 30.....	Definitions.
Article 3, section 31.....	Care and feed of cows, and care and keeping of the produce from such cows.
Article 3, section 48.....	Manufacturer's brand of cheese.
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Article 5, section 96.....	Regulations in relation to diseases of domestic animals, the enforcement thereof and expenses incurred by sheriff.
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Article 7, section 160.....	Term "concentrated commercial feeding stuffs" defined.
Article 9, sections 220-224.....	Sale and analysis of commercial fertilizers.
Article 13, sections 291, 293.....	State Fair Commission.

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AMENDMENTS TO THE AGRICULTURAL LAW

1910

ARTICLE 2

General Provisions

Section 4. Expert butter and cheese makers.—The commissioner of agriculture may appoint and employ expert butter and cheese makers, who shall, under his direction, examine and inspect butter and cheese factories and attend at agricultural fairs, societies and meetings designated by the commissioner, to impart thereat information as to the best and most improved method of making butter and cheese and improving the quality thereof. (*As amended by chapter 112 of the Laws of 1910.*)

§ 12. The commissioner of agriculture is hereby empowered and authorized to examine or cause to be examined food or food products produced or secured for use in the state institutions—milk monthly; other foods semi-annually—and to make or cause to be made such other examinations as he may deem wise or as the facts seem to necessitate and warrant relative to such

Foods in state institutions; examination of. food products and relative to the agricultural methods at such institutions, and report the results of such examinations and make recommendations thereupon to the fiscal supervisor

or to the superintendent of prisons or to the commission in lunacy for their respective departments or offices. For the purpose of assisting the commissioner of agriculture in the performance of duties authorized by this section, the fiscal supervisor and the superintendent of prisons and the state commission in lunacy shall secure and transmit to the commissioner of agriculture such available appropriate information and render such other assistance as the commissioner of agriculture may call for. (*As added by chapter 434 of the Laws of 1910.*)

ARTICLE 3

Dairy Products

Section 30. Definitions.—The terms “butter” and “cheese,” when used in this article, mean the products of the dairy, usually known by those terms, which are manufactured exclusively from pure unadulterated milk or cream or both, with or without salt or

rennet, and with or without coloring matter or sage. The terms "oleomargarine," "butterine," "imitation butter" or "imitation cheese" shall be construed to mean any article or substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, or any such article or substance into which any oil, lard or fat not produced from milk or cream enters as a component part, or into which melted butter or butter in any condition or state, or any oil thereof has been introduced to take the place

Adulterated milk. of cream. The term, "adulterated milk," when so used, means:

1. Milk containing more than eighty-eight per centum of water or fluids.

2. Milk containing less than eleven and one-half per centum of milk solids.

3. Milk containing less than three per centum of fats.

4. Milk drawn from cows within fifteen days before and five days after parturition.

5. Milk drawn from animals fed on distillery waste or any substance in a state of fermentation or putrefaction or on any unhealthy food.

6. Milk drawn from cows kept in a crowded or unhealthy condition.

7. Milk from which any part of the cream has been removed.

8. Milk which has been diluted with water or any other fluid, or to which has been added or into which has been introduced any foreign substance whatever.

All adulterated milk shall be deemed unclean, unhealthy, impure and unwholesome. The terms "pure milk" or "unadulterated milk," when used singly or together mean sweet milk not adulterated, and the terms, "pure cream" or "unadulterated cream," when used singly or together mean cream taken from pure and unadulterated milk. The term

Adulterated cream. "adulterated cream" when used shall mean cream containing less than eighteen per centum of milk fat or cream to which any substance

whatsoever has been added. (*As amended by chapter 341 of the Laws of 1910.*)

§ 31. Care and feed of cows, and care and keeping of the produce from such cows.—No person shall keep cows, for the production of milk for market or for sale or exchange, or for manufac-

turing the milk or cream from the same into any article of food, in a crowded or unhealthy condition or in unhealthful or unsanitary surroundings and no person shall keep such cows or the product therefrom in such condition or surroundings or in such places as shall cause or tend to cause the produce from such cows to be in an unclean, unhealthful or diseased condition, if the produce from such cows is to be sold, offered or exposed for sale upon the markets for consumption or to be manufactured into any food product, nor shall such cows or the produce therefrom be handled or cared for by any person suffering with or affected by an infectious or contagious disease, nor shall any such cows be fed on any substance that is in a state of putrefaction or fermentation, or upon any food that is unhealthful or that produces or may produce impure, unhealthful, diseased or unwholesome milk. But this section shall not be construed to prohibit the feeding of ensilage. The commissioner of agriculture is hereby empowered to give such instruction and impart such information as in his judgment may be deemed best to produce a full observance of the provisions of this section.

Ensilage.

Instruction. (As amended by chapter 216 of the Laws of 1910.)

§ 48. **Manufacturer's brand of cheese.**—Every manufacturer of whole-milk cheese may put a brand or label upon such cheese indicating "whole-milk cheese" and the date of the month and year when made; and no person shall use such a brand or label upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to the cheese manufacturers of the state,

Issue of brand. on proper application therefor, and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil brand or labels bearing a suitable device or motto, and the words, "New York state whole-milk cheese." Every such brand or label shall be used upon the outside of the cheese and shall bear a different

Use of brand. number for each separate factory. The commissioner shall keep a book, in which shall be registered the name, location and number of each manufactory using the brands or labels, and the name or names of the persons at each manufactory authorized to use the same. No such brand or labels shall be used upon any other than whole-milk cheese or packages containing the same. (As amended by chapter 207 of the Laws of 1910.)

ARTICLE 4

Adulterated Vinegar

Section 73. **Facts published.**—The commissioner of agriculture shall publish the name and business address of each person, firm or corporation convicted of a violation of this article, with such statement of the facts of the violation as he may deem proper. (*As amended by chapter 156 of the Laws of 1910.*)

ARTICLE 5

Diseases of Domestic Animals

Section 96. **Regulations, the enforcement thereof and expenses incurred by sheriff.**—The commissioner may prescribe such regulations as in his judgment may be thought suited for the suppression or the prevention of the spread of any such disease, and for the disinfection of all premises, buildings, railway cars, vessels, and other objects from or by means of which infection or contagion may take place or be conveyed. He

**Regulations for
suppression of
disease.**

may alter or modify, from time to time, as he may deem expedient, the terms of all notices, orders and regulations issued or made by him, and may at any time cancel or withdraw the same. He may call upon the sheriff, under sheriff or deputy sheriff, to carry out and enforce the provisions of any notice, order

Sheriff to enforce. or regulation which he may make, and all such sheriffs, under sheriffs and deputy sheriffs shall obey and observe all orders and instructions which they may receive from him in the premises. All expenses incurred by the sheriff, under sheriff or a deputy sheriff in carrying out and enforcing the provisions of such notice, order or regulation shall be a county charge to be audited and paid in the same manner as other charges by the sheriff, under sheriff, or deputy sheriff. If the commissioner shall lay a quarantine upon a city or any portion thereof he may call upon the commissioner

Police to enforce. of public safety and the police department of said city to enforce the provisions of any notice, order or regulation which he may make within the quarantined district or such portion thereof as lies within the city limits, and the commissioner of public safety and the police department shall

obey and observe all such orders and instructions so made or issued, and all expenses incurred by the commissioner of public safety and the police department in enforcing the quarantine as herein provided shall be a city charge. If the commissioner shall quarantine any particular district or territory for the purpose of

Dogs in violation of quarantine may be caught. stopping or preventing the spread of the disease known as rabies, and if any dog be found within the said quarantine district in violation of said quarantine or regulation, any person

may catch or cause to be caught such dog and have him impounded or confined. If the said dog is thereafter not found to be affected with the disease known as rabies, it may be released to the owner upon

Release. payment of a penal sum of ten dollars to the commissioner of agriculture, who shall upon receipt and acceptance of the same issue to the said owner a release which shall entitle the said owner to the possession of said dog. If such penalty is not paid within three days after said dog is impounded, or if it is found impracticable after reasonable effort to catch

Provisions for killing. and impound such dog within the said quarantine district in violation of said quarantine or regulation, or to find the owner of a dog so impounded, then any person may kill or cause

to be killed such dog and shall not be held liable for damages for such killing. For the purpose of enforcing the provisions of this article the commissioner of agriculture, his appointees and employees shall be considered as peace officers and shall have all the rights and powers of peace officers. (*As amended by chapter 437 of the Laws of 1910.*)

§ 99. **Appraisal of diseased animals.**—An appraiser shall determine the value of each animal directed to be slaughtered. Such value shall be the market value of such animal

Value appraised. at the time of making the appraisement, but the appraisal value of each bovine animal shall not exceed the sum of one hundred and twenty-five dollars, provided however that the appraised value shall not exceed the sum of seventy-five dollars, except for registered thoroughbred animals, and the appraisal of each equine animal shall not exceed the sum of one hundred and twenty dollars. If the value of the con-

Arbitration of value. condemned animals determined by the appraiser is not satisfactory to the owner of such animals, the value shall be determined by arbitrators, one to be appointed by the state appraiser and one by the owner of the animals. If such arbitrators are not able to agree as to the value of the animals, a third arbitrator shall be appointed by them. The value determined by such arbitrator shall not exceed the limits established by this article and, after approval by the commissioner of agriculture, shall be final. The arbitrators selected by the owner of the animals shall be paid by the said owner, the other arbitrator or arbitrators shall be paid by the state at a rate of compensation not to exceed five dollars per day and necessary expenses. Such appraiser of condemned animals and the arbitrators appointed under this section may administer oaths to and examine witnesses. (*As amended by chapter 670 of the Laws of 1910.*)

§ 106. **Shipping, slaughtering and selling veal for food.**—No person shall slaughter or expose for sale, or sell any calf or carcass of the same or any part thereof, unless it is in good healthy condition. No person shall sell or expose for sale

Calves, sale of. any such calf or carcass of the same or any part thereof, except the hide, unless it was, if killed, at least four weeks of age at the time of killing. No person or persons shall bring or cause to be brought into any city, town or village any calf or carcass of the same or any part thereof for the purpose of selling, offering or exposing the same for sale, unless it is in a good healthy condition, and no person or persons shall bring any such calf or carcass of the same or any part thereof except the hide into any city, town or village for the purpose of selling, offering or exposing the same for sale, unless the calf is four weeks of age, or, if killed, was four weeks of age at the time of killing, provided, however, that the provisions of this section shall not apply to any calf or carcass of the same or any part thereof, which is slaughtered, sold, offered or exposed for sale, for any other purpose than food. Any person or persons exposing for sale, selling or shipping any calf or carcass of the same will be presumed to be so exposing, selling or

Presumption; method of shipment. shipping the said calf or carcass of the same for food. Any person or persons shipping any calf for the purpose of being raised, if the said calf is under four weeks of age, shall ship it

in a crate, unless said calf is accompanied by its dam. Any person shipping calves under four weeks of age for fertilizer purposes must slaughter the said calves before so shipping. Any person or

Seizure of calves and veal. persons duly authorized by the commissioner of agriculture may examine any calf or veal offered or exposed for sale or kept with any

stock of goods apparently exposed for sale, and if such calf is under four weeks of age, or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when killed, he may seize the same and cause it to be destroyed and disposed of in such manner as to make it impossible to be thereafter used for food. The penalties and fines provided in section fifty-two of the agricultural law shall apply to violations of this section except that the minimum penalty for violations of this section shall be, for the first violation, one dollar for each calf, and, for the second violation, ten dollars for each calf, and the minimum fine for first offense shall be one dollar and for second offense ten dollars. (*As amended by chapter 561 of the Laws of 1910.*)

ARTICLE 7

Sale and Analysis of Concentrated Commercial Feeding Stuffs

Section 160. Term "concentrated commercial feeding stuffs" defined.—The term "concentrated commercial feeding stuffs" as used in this article, shall include linseed meals, cotton seed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried distiller's grains, dried brewer's grains, malt sprouts, hominy feeds, ceraline feeds, rice meals, dried beet refuse, oat feeds, corn and oat chops, corn and cob meal, ground beef or fish scraps, meat meals, meat and bone meals mixed, dried blood, mixed feeds, clover meals, alfalfa feeds and meals, compounded feeds, condimental stock and poultry foods, proprietary or trade-mark stock and poultry foods, and all other materials of similar nature; but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of

Exceptions. wheat, rye, barley, oats, corn, buckwheat and broom corn. Neither shall it include wheat, rye and buckwheat brans or middlings, not mixed with other substances, but sold separately, as distinct articles of commerce, nor pure grains ground together, nor corn meal and wheat bran mixed

together, when sold as such by the manufacturer at retail, nor wheat bran and middlings mixed together not mixed with any other substances and known in the trade as "mixed feed," nor ground or cracked bone not mixed with any other substance, nor shall it include poultry foods consisting of whole or whole and cracked grains and grit mixed together when all the ingredients may be identified by the naked eye. (*As amended by chapter 436 of the Laws of 1910.*)

ARTICLE 9

Sale and Analysis of Commercial Fertilizers

Section 220. Statements to be attached to packages.

221. Deficiency from guaranteed analysis, under certain conditions, not to be considered violation.

222. Statement filed with commissioner of agriculture; license fees.

223. Presence of inert nitrogenous matter to be stated.

224. Commissioner of agriculture to take samples for analysis; analysis to be made by director of experiment station.

§ 220. **Statements to be attached to packages.**—No manufacturer, firm, association, corporation or person shall sell, offer or expose for sale in this state any commercial fertilizer or any material to be used as a fertilizer, the selling price of which exceeds five dollars per ton, unless such commercial fertilizer or material to be used as a fertilizer shall be accompanied by or shall have affixed to each and every package in a conspicuous place on the outside thereof, a plainly printed statement which shall certify as follows:

1. The number of pounds in the package.

2. The name, brand or trade mark under which it is to be sold, and in the case of agricultural lime its particular form.

3. The name and principal address of the manufacturer or person responsible for the placing of the commodity upon the market.

4. The minimum per centum of each of the following constituents which may be contained therein:

(a) Nitrogen.

(b) Available phosphoric acid, except that in cases of undissolved bone, basic slag phosphate, wood ashes, untreated phosphate

rock, garbage tankage and pulverized natural manures, the minimum per centum of total phosphoric acid may be substituted therefor.

(c) Potash soluble in distilled water.

(d) In the case of agricultural lime, the minimum per centum of calcium oxide. If any commercial fertilizer or material to be used as a fertilizer, the selling price of which exceeds five dollars per ton, be sold, offered or exposed for sale in bulk such printed statement shall accompany every lot and parcel so sold, offered or exposed for sale. That portion of the statement required by this section, relating to the quality of commercial fertilizer or material to be used as a fertilizer, shall be known and recognized as the guaranteed analysis.

§ 221. **Deficiency from guaranteed analysis, under certain conditions, not to be considered as violations.**—It shall be a violation of the provisions of this article if the statement required by section two hundred and twenty of this article shall

False statement be false in regard to the number of pounds of fertilizer in the package sold, offered or exposed for sale, or in the name, brand or trade mark under which the fertilizer is sold, or in the name and address of the manufacturer of the fertilizer. It shall also be a violation of the provisions of this article if any commercial fertilizer or material to be used as a fertilizer shall contain a smaller percentage of nitrogen, phosphoric acid, potash or calcium oxide than is certified in said statement to be contained therein, when such deficiency shall be greater than ten per centum of any one of such constituents unless there

Margin of deficiency. be a monetary equivalent in excesses in other guaranteed constituents as provided herein; provided such deficiency does not exceed twenty per centum of such guarantee in any one constituent. The basis of values of such constituents necessary in making such computations shall be determined by the commissioner of agriculture.

§ 222. **Statement filed with commissioner of agriculture; license fees.**—Before any manufacturer, firm, association, corporation or person shall sell, offer or expose for sale in this state any commercial fertilizer or material to be used as a fertilizer, the selling price of which exceeds five dollars per ton, he or they shall,

for each and every brand of commercial fertilizer or material to be used as a fertilizer, file annually, prior to

Filing. January first of the calendar year, in which such commodity is to be sold, offered or exposed for sale, with the commissioner of agriculture a certified copy of the statement prescribed in section two hundred and twenty of this article. Every manufacturer, firm, association, corporation or seller of any commercial fertilizer or material to be used as a

Payment. fertilizer the selling price of which exceeds five dollars per ton, shall pay annually prior to January first of the calendar year in which such commodity is to be sold, offered or exposed for sale, to the treasurer of the state of New York a license fee of twenty dollars for each and every brand to be sold or offered or exposed for sale. Whenever a manufacturer, firm, association, corporation or seller of any commercial fertilizer or material to be used as a fertilizer, the selling price of which exceeds five dollars per ton, desires at any time to sell such commercial fertilizer or such material and has not complied with the requirements of the statute, he or they shall before selling, offering or exposing the same for sale, comply with the requirements as herein provided. Said treasurer shall in each case at once certify to the commissioner of agriculture the payment of such license fee. Each manufacturer, firm, association, corporation or seller who has complied with the

Certificate of commissioner. provisions of this article shall be entitled to receive a certificate from the commissioner of agriculture setting forth said facts. Such certificate shall expire on the thirty-first day of December of the calendar year for which it was issued. Whenever a manufacturer, firm, association, corporation or person shall have filed the statement and paid the license fee as prescribed in this section, upon any given brand, no agent or seller of such manufacturer, firm, association, corporation or person shall be required to file such statement or pay such fee upon said brand. For the purposes of this article, commercial fertilizers or materials to be used as a fertilizer, shall be considered as distinct and separate brands when differing either in guaranteed analysis, name, brand or trade mark or in any other method of marking.

§ 223. **Presence of inert nitrogenous matter to be stated.**—No manufacturer, firm, association, corporation or person shall sell, offer or expose for sale in this state leather or its products or

other inert nitrogenous material in any form, as a commercial fertilizer or material to be used as a fertilizer or as an ingredient of any fertilizer, unless an explicit statement of the facts shall be affixed to every package in a conspicuous place on the outside thereof and shall accompany every parcel or lot which may be sold, offered or exposed for sale in bulk.

§ 224. Commissioner of agriculture to take samples for analysis; analysis to be made by director of experiment station.—The commissioner of agriculture shall at least once in each year transmit to the New York agricultural experiment station for analysis at least one sample, to be taken in the manner hereinafter prescribed, of the different brands of commercial fertilizers and materials to be used as fertilizers the selling price of which exceed five dollars per ton, which are or may be sold, offered or exposed for sale under the provisions of this article. The said commis-

sioner of agriculture or his duly authorized representatives in taking samples shall take them in triplicate in the presence of at least one witness and in the presence of such witness shall seal such samples and shall at the time of taking tender, and if accepted, deliver to the person apparently in charge one of such samples, one of the other samples the commissioner of agriculture shall cause to be analyzed. When samples are taken from fertilizers in bags, a tube shall be used and it shall be inserted at one end of the bag and shall pass substantially the entire length of the bag, so as to take a core of the material being sampled from substantially the entire length of the bag. Samples thus taken from individual bags shall be thoroughly mixed and the official samples be taken from the mixture so drawn. Samples of fertilizer taken as herein provided shall be taken from at least five per centum of the separate original packages in the lot for the mixture from which the official samples shall be taken. No action shall be maintained for a violation of the provisions of this article based upon an analysis of samples taken otherwise than as herein provided or taken from less than five separate original packages. The director of said experiment station shall continue to analyze or cause to be analyzed such samples of commercial fertilizers and materials to be used as fertilizers taken under the provisions of this article as shall be submitted to him for that purpose by the commissioner of agriculture and shall report such analysis to the commissioner of

agriculture and for this purpose the New York agricultural experiment station may continue to employ chemists and incur such expenses as may be necessary to comply with the requirements of this article. The result of the analysis of the sample or samples so procured, together with such additional information as circumstances advise, shall be published in reports or bulletins from time to time. (*As amended by chapter 435 of the Laws of 1910.*)

ARTICLE 13

State Fair

Section 291. **State fair commission.**—The state fair commission shall consist of seven members, of whom the lieutenant-governor and the commissioner of agriculture shall ex officio constitute two. The remaining five members of such com-

Appointment. mission shall be appointed by the governor, by and with the advice and consent of the senate as hereinafter provided. The terms of the five appointive members of such commission in office when this section as hereby amended takes effect shall expire on June first, nineteen hundred and ten. On or before June first, nineteen hundred and ten, the governor shall, by and with the advice and consent of the senate, appoint five members of such commission to succeed those whose terms expire as hereinabove provided, for terms of one, two, three, four and five years, respectively, so that the term of one member of such commission shall expire on June first of each year. A successor to a member of such commission shall be appointed, in like manner, annually for a full term of five years. The gov-

Superintendent. ernor shall designate one of the members of such commission, who, in addition to his duties as commissioner, shall act as superintendent of the fair grounds and buildings for and during his term as commissioner, his acts as such superintendent to be under the direction of the commission. Such member shall devote his entire time to the duties of his office. The lieutenant-governor shall be the presiding officer of the commission. The member of such commission designated by the governor to have charge of the fair grounds and buildings shall receive an annual

Salaries. salary of five thousand five hundred dollars, the other appointed members of the commission shall receive an annual salary of three thousand dollars, and all the members of such commission shall receive their actual and

necessary expenses in the discharge of their official duties, to be paid on the certificate of the commissioner of agriculture and the audit and warrant of the comptroller. (*As amended by chapter 366 of the Laws of 1910.*)

§ 293. **Assistants and employees.** The state fair commission may appoint such assistants and employees as they may deem necessary. They may prescribe their duties and fix their compensation. Such assistants and employees shall be subject to removal at the pleasure of such commission. (*As amended by chapter 366 of the Laws of 1910.*)

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